

HOUSE BILL NO. 38

INTRODUCED BY B. MCCHESENEY

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE FISH, WILDLIFE, AND PARKS COMMISSION TO ISSUE LICENSES AT REDUCED PRICES TO HARVEST ANTLERLESS MOOSE, COW OR CALF BISON, AND ADULT EWE MOUNTAIN SHEEP FOR MANAGEMENT PURPOSES; CLARIFYING THE ISSUANCE OF LICENSES FOR A SECOND ELK; AMENDING SECTIONS 87-2-104, 87-2-505, AND 87-2-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-2-104, MCA, is amended to read:

"87-2-104. Number of licenses allowed -- fees. (1) It is unlawful for ~~any~~ a person to apply for, purchase, or possess more than one license of any one class or more than one special license for any one species listed in 87-2-701. This provision does not apply to Class B-4 or Class B-5 licenses or to licenses issued under subsection (3) for game management purposes. However, when more than one license is authorized by the commission, it is unlawful to apply for, purchase, or possess more licenses than are authorized.

(2) The department may prescribe rules and regulations for the issuance or sale of a replacement license in the event the original license is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

(3) When authorized by the commission for game management purposes, the department may:

(a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, ~~Class A-5, Class A-7,~~
Class B-7 nonresident deer A, Class B-8 nonresident deer B, ~~Class B-10, Class B-11,~~ or special antelope license to an applicant; ~~and An applicant for these game management licenses is not at the time of application required to hold any license or permit of that class.~~

(b) issue a special antlerless moose license, a special cow or calf bison license, or one or more special adult ewe mountain sheep licenses to an applicant.

(4) For all of the game management licenses issued under subsection 3 (3), the commission shall determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(5) When authorized by the commission for game management purposes, the department may issue Class A-9; resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses entitling the holder to take an antlerless elk. ~~An applicant must have a Class A-5 or Class A-7 license to be eligible for a Class A-9 license. An applicant must have a Class B-10 or Class B-13 license to be eligible for a Class B-12 license.~~ UNLESS OTHERWISE REDUCED PURSUANT TO SUBSECTION (6), THE FEE FOR A CLASS B-12 LICENSE IS \$273. The commission shall determine the hunting districts or portions of hunting districts for which Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

~~(5)(6)~~ The fee for ~~any a~~ resident or nonresident license of any class issued under subsection (3) ~~must~~ OR (5) MAY be set REDUCED annually by the department ~~and may not exceed the regular fee provided by law for that class or species."~~

SECTION 2. SECTION 87-2-505, MCA, IS AMENDED TO READ:

"87-2-505. Class B-10--nonresident big game combination license. (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$628 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission.

~~(3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$273. The license entitles the holder to hunt in the hunting district or portion of a hunting~~

1 ~~district and under the terms and conditions specified by the commission."~~

2
3 **Section 3.** Section 87-2-702, MCA, is amended to read:

4 **"87-2-702. Restrictions on special licenses.** (1) A person who has killed or taken any game animal,
5 except a deer, an elk, or an antelope, during the current license year is not permitted to receive a special license
6 under this chapter to hunt or kill a second game animal of the same species.

7 (2) The commission may require applicants for special permits authorized by this chapter to obtain a valid
8 big game license for that species for the current year prior to applying for a special permit.

9 (3) A person may take only one grizzly bear in Montana with a license authorized by 87-2-701.

10 (4) (a) Except as provided in 87-1-271(2), a person who receives a moose, mountain goat, or limited
11 mountain sheep license, ~~with the exception of an adult ewe license,~~ as authorized by 87-2-701, with the exception
12 of an antlerless moose or an adult ewe game management license issued under 87-2-104, is not eligible to
13 receive another special license for that species for the next 7 years. For the purposes of this subsection (4)(a),
14 "limited mountain sheep license" means a license that is valid for an area in which the number of licenses issued
15 is restricted.

16 (b) Except as provided in 87-1-271(2), a person who takes a mountain sheep using an unlimited
17 mountain sheep license, with the exception of a mountain sheep taken pursuant to an adult ewe license, as
18 authorized by 87-2-701, is not eligible to receive another special license for that species for the next 7 years. For
19 the purposes of this subsection (4)(b), "unlimited mountain sheep license" means a license that is valid for an
20 area in which the number of licenses issued is not restricted."

21
22 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

23 - END -